

REMARKS/ARGUMENTS

Claims 1 and 3-41 are pending. Claims 1, 23 and 24 have been amended.

Claims 1 and 3-41 have been rejected under 35 USC §101 as being directed to non-statutory subject matter.

Claims 1, 23 and 24 have been amended to recite that the steps are performed in a processing device. Support for the added "processing device" can be found, for example, at page 30, lines 26-34: "FIG 32 represents a complete device comprising.....A processor 520 thus constituted..."

It is respectfully asserted that claim 19 already recites statutory subject matter. In particular, claim 19 recites a processing device, including components making up the device, such first a second histogram calculation units that receive signals and generate output signal ZA representing a region of interest in the pixel data and signal P representing a temporal parameter in the region of interest.

It was stated that if the claims were amended to recite a "computer" or "computer implemented" method and apparatus, the rejection under 35 USC §101 would be withdrawn. It is believed that the amendment to the independent method claims to recite that the method steps are performed in a processing device are equally sufficient to warrant withdrawal of the §101 rejection. Further, as stated above, it is believed that the unamended recitation of a processing device, and its elements, in claim 19 presents statutory subject matter because a processing device is recited, specific data/signals are recited and a specific output (based upon processing of the signals) is recited. It is respectfully asserted that such claim recites limitations to a practical application whereby "certain substances" such as specific signals are processed to produce other useful signals.

CONCLUSION

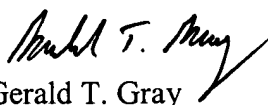
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/876,929
Amdt. dated February 9, 2005
Reply to Office Action of November 12, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


Gerald T. Gray
Reg. No. 41,797

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
Attachments
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